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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,465	02/13/2004	Dougan H. Clarke	1.228.03	5551

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EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/779,465	CLARKE, DOUGAN H.	
	Examiner	Art Unit	
	Winnie Yip	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action.

Claim Objections

I. Claims are objected to because of the citation “mounted on a marine craft” (claim 18) and “structured to be mounted on a marine craft” (claim 24) is confusing whether or not applicant intends to claim an umbrella which has a base in combination with a marine craft or only claimed an umbrella without the marine craft. Notice, if the marine craft is part of the invention, the feature must be positively claimed. In not, the feature should only functionally recited. Appropriate correction is required.

In this office action, only the umbrella per se is treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma (US Patent No. 6,374,840).

Ma shows and teaches an umbrella assembly comprising: a canopy (60) being supported by a frame assembly in a substantially flat configuration, the frame assembly including a support pole (25), a plurality of ribs (70), a plurality of struts (75) pivotally connected the respective ribs

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and movably connected to the pole, a reinforcing assembly including a plurality of auxiliary struts (55) being pivotally connected to respective struts and the pole in a supporting orientation. Wherein, each auxiliary strut (55) has one end being movably connected to the pole by the slider and another end being removably connected to the respective strut by a pin (150), therefore, the auxiliary struts can be selectively connected to and disconnected from the struts between two corresponding supporting or non-supporting orientations to the frame assembly.

4. Claims 1-16 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Raabe (US Patent No. 1,167,431).

Raabe shows and teaches an umbrella assembly comprising: a frame assembly supporting a canopy, the frame assembly including a support pole (A), a plurality of ribs (C), a plurality of struts (D) having one end pivotally connected to the ribs and an other end being movably connected to the pole by a slider such that the ribs and struts are collectively movable relative to the support pole (1) for orientation of the frame in either open and closed positions, and a reinforcing assembly including a plurality of auxiliary struts (F) each having first and second ends being removably and pivotally connected to a respective rib and a respective strut by an adjustable fastening device (J, L) (see Fig. 3; col. 2, lines 60-65) such that the auxiliary struts (F) can be selectively connecting to the ribs and struts for reinforcing the ribs in a supporting orientation when the frame in an open position and reinforcing the ribs in a wind condition, or removed out of the supporting orientation .

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5. Claims 1-17 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin et al. (US Patent No. 6,058,952).

Lin et al. shows and teaches an umbrella assembly comprising: a frame assembly including a support pole (1), a plurality of ribs (2), a plurality of struts (4) having one end pivotally connected to the ribs and an other end being movably connected to the pole by a slider (12) such that the ribs and struts are collectively movable relative to the support pole (1) for orientation of the frame in either open and closed positions, and a reinforcing assembly including a plurality of auxiliary struts (5) each having a first end (52) being pivotally connected to a respective rib and a second end (51) being pivotally connected to a respective strut for reinforcing the ribs in a supporting orientation when the frame is in an open position, wherein the ribs (2) are disposed in a substantially outwardly extending, a flat orientation in an open position such that a canopy is supported by the ribs in a substantially outwardly extending a flat orientation as claimed, and first and second ends (52, 51) of the auxiliary struts (5) are considered to be removably connected to the respective struts and the respective ribs by a looped end via a lug on the respective ribs and struts.

6. Claims 1-9, 13, 15-17, 20-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin et al. (US Patent No. 6,186,157).

Lin et al. shows and teaches an umbrella assembly comprising: a frame assembly including a support pole (1), a plurality of ribs (2), a plurality of struts (22) each having one end pivotally connected to a respective rib and an other end being movably connected to the pole by a slider (12) such that the ribs and struts are collectively movable relative to the support pole (1)

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for orientation of the frame in either open and closed positions, and a reinforcing assembly including a plurality of auxiliary struts (3, 4) each having a first end (42) being removably connected to a respective rib by a connector (43) and a second end (31) being movably connected a respective strut by a connector (32) for reinforcing the ribs in a supporting orientation when the frame in an open position. Lin et al. further shows the ribs (2) being disposed in a substantially outwardly extending, a flat orientation in an open position such that a canopy (C) is supported by the ribs in a substantially outwardly extending a flat orientation as claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma '840 or Lin et al. '952, or Lin et al. '157 in view of Harris (US Patent No.5,441,066).

The claims are considered to meet by Ma '840 or Lin et al.'952 or Lin et al. '157 as explained and applied set forth above rejection except that Ma and Lin et al. do not directly define the umbrella having a base for removably supporting the umbrella. However, Harris teaches, as known in the art, an umbrella comprising a base having a base portion (24) for mounting the base to a supporting structure such as a marine craft (60) and a tubular post (12) for receiving a support pole (22) of the umbrella in an upright position. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the

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umbrella of Ma or Lin et al. having a base having a base portion including securing means for being capably mounted on a supporting surface such as a marine craft, and having a post for removably receiving and securing an umbrella to the base portion as taught by Harris for supporting the umbrella over a supporting surface without need to handhold by a user.

9. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. '157 or 'Lin et al. '695 as applied to claim 16 above, and further in view of Harris '066 for the same reason set for above rejection.

Citations

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. French Patent No. 2,844,430, Shiran et al. '233, Frederick '913, Ko '637, Wallace '471, Whitfield '123, and Kouvaras et al. teach various umbrellas comprising a reinforcing assembly as similar to the claimed invention. Bilotti '031 teaches a base structured for mounting an umbrella in an upright position.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip
Primary Examiner
Art Unit 3636

wy
June 9, 2006